



EXECUTIVE ORDER #186

Relating to Declaring an Energy Emergency

WHEREAS, the health, welfare, safety, and economic well-being of the people of the State of Wisconsin depend on public utility services to provide electric, gas, water, sanitary sewer, telephone, and television cable, or community antenna service;

WHEREAS, the National Oceanic and Atmospheric Administration has issued a winter storm warning for large parts of this state through February 23, 2023, including heavy mixed precipitation, with total snow and sleet accumulations of 2 to 4 inches and ice accumulations of one tenth to one quarter of an inch with winds gusting as high as 40 miles per hour;

WHEREAS, the National Oceanic and Atmospheric Administration has issued an ice storm warning for southern parts of this state through February 23, 2023, including ice accumulations of one quarter of an inch or more, which will make travel dangerous or impossible and likely lead to snapped power lines and falling tree branches;

WHEREAS, Wisconsin may experience power outages due to downed trees and ice on power lines, combined with the potential need to bring in line workers from out of state, making it difficult for line workers to complete their work and comply with hours of service requirements and International Fuel Tax Agreement (IFTA) and International Registration Plan (IRP) requirements;

WHEREAS, drivers are experiencing challenging driving conditions with ice- and snow-covered roads;

WHEREAS, this situation poses a serious risk to the health, welfare, safety, and economic wellbeing of the people of the State of Wisconsin because it can cause difficulties restoring public utility services;

WHEREAS, allowing the restoration of public utility services within the State of Wisconsin in a safe manner and as described in this Order will enable mutual aid, and benefit the people of the State of Wisconsin; and

WHEREAS, having consulted with the Department of Transportation and the Public Service Commission's Office of Energy Innovation, I conclude that the above conditions warrant waiver of the federal drivers Hours of Service limitations applicable to motor carriers established under Title 49 of the Code of Federal Regulations, and a period of nonenforcement of IFTA and IRP.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of Wisconsin, including Sections 323.10 and 340.01(15s) of the Wisconsin Statutes, and Title 49 of the Code of Federal Regulations Part 390.23 and Chapters Trans 325 and 327 of the Wisconsin Administrative Code, hereby:

1. Declare and certify that an energy emergency exists throughout the entire State of Wisconsin, as defined by Section 340.01(15s) of the Wisconsin Statutes. This declaration is restricted to motor carriers and drivers providing direct assistance providing public utility services. This Executive Order is effective from the date of this Order and shall remain in effect until the end of the emergency or until 11:59 P.M., March 24, 2023, whichever is earlier.
2. Suspend the requirements of IFTA and IRP on carriers and drivers providing public utility services.
3. Order that carriers and drivers of commercial motor vehicles, while in the process of providing public utility services, are exempted from 49 C.F.R Part 391 as adopted by Wis. Admin. Code, Ch. Trans 325 and 327.
4. Order that carriers and drivers of commercial motor vehicles, while in the process of providing public utility services, are exempted from the hours of service restrictions in 49 C.F.R. Part 395, as adopted by Wis. Admin. Code, Ch. Trans 325 and 327.
5. Order that no motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least 10 consecutive hours off-duty before the driver is required to return to service.

This Order does not suspend the operation of any state or federal laws within the State of Wisconsin except as specifically described in the Order. All other laws remain in full force and will be enforced. This Order does not authorize any person providing public utility services to exceed any statutory vehicle weight, width, length, or height limit. This Order does not authorize the use of unregistered vehicles. Motor carriers providing public utility services for hire must have proper authority to operate in this State, as provided by Section 194.04 of the Wisconsin Statutes, and must meet the insurance requirements of Sections 194.41 and 194.42 of the Wisconsin Statutes. Carriers must satisfy all ordinarily acceptable federal and state requirements concerning vehicle equipment, vehicle operations, and driver qualifications and conduct.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-second day of February in the year of two thousand twenty-three.



TONY EVERS
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State